

SENATE BILL No. 410

DIGEST OF INTRODUCED BILL

Citations Affected: IC 4-6-2-12; IC 5-2-5-1.

Synopsis: Issues pertaining to the attorney general. Allows the attorney general to deputize an individual employed by the attorney general to act as a law enforcement officer. Specifies that the office of the attorney general is a criminal justice agency and a law enforcement agency for purposes of the law concerning criminal history information.

Effective: July 1, 2002.

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January 10, 2002, read first time and referred to Committee on Judiciary.

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Second Regular Session 112th General Assembly (2002)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2001 General Assembly.

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SENATE BILL No. 410



A BILL FOR AN ACT to amend the Indiana Code concerning state offices and administration.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 4-6-2-12 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2002]: **Sec. 12. (a) The attorney general may deputize an**
4 **individual employed by the attorney general to act as a law**
5 **enforcement officer (as defined in IC 5-2-1-2(1)) if the individual**
6 **has successfully completed the basic training requirements for law**
7 **enforcement officers established by the law enforcement training**
8 **board under IC 5-2-1.**

9 (b) **An employee of the attorney general deputized as a law**
10 **enforcement officer under this section is not eligible for police**
11 **officer pension benefits or other emoluments of law enforcement**
12 **officers.**

13 SECTION 2. IC 5-2-5-1, AS AMENDED BY P.L.238-2001,
14 SECTION 1, AS AMENDED BY P.L.272-2001, SECTION 1, AND
15 AS AMENDED BY P.L.280-2001, SECTION 1, IS AMENDED AND
16 CORRECTED TO READ AS FOLLOWS [EFFECTIVE JULY 1,
17 2002]: Sec. 1. The following definitions apply throughout this chapter:



1 (1) "Limited criminal history" means information with respect to
 2 any arrest *indictment, information, or other formal* criminal
 3 charge, which must include a disposition. However, information
 4 about any arrest *indictment, information, or other formal* criminal
 5 charge which occurred less than one (1) year before the date of a
 6 request shall be considered a limited criminal history even if no
 7 disposition has been entered.

8 (2) "Bias crime" means an offense in which the person who
 9 committed the offense knowingly or intentionally:

10 (A) selected the person who was injured; or

11 (B) damaged or otherwise affected property;

12 by the offense because of the color, creed, disability, national
 13 origin, race, religion, or sexual orientation of the injured person
 14 or of the owner or occupant of the affected property or because
 15 the injured person or owner or occupant of the affected property
 16 was associated with any other recognizable group or affiliation.

17 (3) "Care" means the provision of care, treatment, education,
 18 training, instruction, supervision, or recreation to children less
 19 than eighteen (18) years of age.

20 (4) "Council" means the security and privacy council created
 21 under section 11 of this chapter.

22 ~~(4)~~ (5) "Criminal history data" means information collected by
 23 criminal justice agencies, the United States Department of Justice
 24 for the department's information system, or individuals. The term
 25 consists of the following:

26 (A) Identifiable descriptions and notations of arrests,
 27 indictments, informations, or other formal criminal charges.

28 (B) Information regarding ~~an~~ a sex and violent offender (as
 29 defined in IC 5-2-12-4) obtained through sex and violent
 30 offender registration under IC 5-2-12.

31 (C) Any disposition, including sentencing, and correctional
 32 system intake, transfer, and release.

33 (6) "Certificated employee" has the meaning set forth in
 34 IC 20-7.5-1-2.

35 ~~(5)~~ (7) "Criminal justice agency" means any agency or department
 36 of any level of government whose principal function is the
 37 apprehension, prosecution, adjudication, incarceration, probation,
 38 rehabilitation, or representation of criminal offenders, the location
 39 of parents with child support obligations under 42 U.S.C. 653, the
 40 licensing and regulating of riverboat gambling operations, or the
 41 licensing and regulating of pari-mutuel horse racing operations.

42 **The term includes the office of the attorney general.** The term

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1 includes the Medicaid fraud control unit for the purpose of
 2 investigating offenses involving Medicaid. The term includes a
 3 nongovernmental entity that performs as its principal function the:

4 (A) apprehension, prosecution, adjudication, incarceration, or
 5 rehabilitation of criminal offenders;

6 (B) location of parents with child support obligations under 42
 7 U.S.C. 653;

8 (C) licensing and regulating of riverboat gambling operations;
 9 or

10 (D) licensing and regulating of pari-mutuel horse racing
 11 operations;

12 under a contract with an agency or department of any level of
 13 government.

14 ~~(6)~~ (8) "Department" means the state police department.

15 ~~(7)~~ (9) "Disposition" means information disclosing that criminal
 16 proceedings have been concluded or indefinitely postponed.

17 ~~(8)~~ (10) "*Foreign protection order*" has the meaning set forth in
 18 IC 34-6-2-48.5.

19 ~~(9)~~ (11) "*Indiana order*" has the meaning set forth in
 20 IC 5-2-9-2.1.

21 ~~(8)~~ ~~(10)~~ (12) "Inspection" means visual perusal and includes the
 22 right to make memoranda abstracts of the information.

23 ~~(9)~~ ~~(11)~~ (13) "Institute" means the Indiana criminal justice
 24 institute established under IC 5-2-6.

25 ~~(10)~~ ~~(12)~~ (14) "Law enforcement agency" means an agency or a
 26 department of any level of government whose principal function
 27 is the apprehension of criminal offenders. **The term includes the**
 28 **office of the attorney general.**

29 ~~(13)~~ (15) "*National criminal history background check*" means
 30 the criminal history record system maintained by the Federal
 31 Bureau of Investigation based on fingerprint identification or any
 32 other method of positive identification.

33 ~~(14)~~ (16) "*Noncertificated employee*" has the meaning set forth
 34 in IC 20-7.5-1-2.

35 ~~(11)~~ ~~(15)~~ (17) "Protective order" has the meaning set forth in
 36 IC 5-2-9-2.1.

37 ~~(16)~~ (18) "*Qualified entity*" means a business or an organization,
 38 whether public, private, for-profit, nonprofit, or voluntary, that
 39 provides care or care placement services, including a business or
 40 an organization that licenses or certifies others to provide care
 41 or care placement services.

42 ~~(12)~~ ~~(13)~~ ~~(17)~~ (19) "Release" means the furnishing of a copy, or

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1 an edited copy, of criminal history data.
 2 ~~(13)~~ ~~(14)~~ ~~(18)~~ **(20)** "Reportable offenses" means all felonies and
 3 those Class A misdemeanors which the superintendent may
 4 designate.
 5 ~~(14)~~ ~~(15)~~ ~~(19)~~ **(21)** "Request" means the asking for release or
 6 inspection of a limited criminal history by noncriminal justice
 7 organizations or individuals in a manner which:
 8 (A) reasonably ensures the identification of the subject of the
 9 inquiry; and
 10 (B) contains a statement of the purpose for which the
 11 information is requested.
 12 ~~(20)~~ **(22)** "School corporation" has the meaning set forth in
 13 IC 20-10.1-1-1.
 14 ~~(21)~~ **(23)** "Special education cooperative" has the meaning set
 15 forth in IC 20-1-6-20.
 16 ~~(15)~~ ~~(16)~~ ~~(22)~~ **(24)** "Unidentified person" means a deceased or
 17 mentally incapacitated person whose identity is unknown.

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